

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the reasons that follow.

Claim Rejections - 35 USC § 103

On page 2 of the Office Action, Claims 1-5, 8-11, 13-15, 19-21, 23-25, 27-29, 31-32, and 35-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Chen* (U.S. Patent No. 6,744,740) and in view of *Larson* (U.S. Patent No. 4,569,042). However, the Examiner also indicates on page 2 of the Office Action that Claims 1-5, 8-11, 13-15, 19-21, 23-25, 27-29, 31-32, and 35-36 are rejected under 35 U.S.C. **102(e)** as being anticipated by *Chen*. Then, the Examiner states that *Chen* does not disclose “such method of timestamp of hopping one node to another.” The Examiner points to *Larson* as providing the missing teaching.

It is not clear why the Examiner indicates a rejection based on both sections 103 and 102, particularly since the Examiner acknowledges that *Chen* does not disclose “such method of timestamp of hopping one node to another.” As Applicant pointed out in the successful Appeal Brief, *Chen* fails to teach, suggest, or describe generating or identifying a second and a third time stamp and calculating or determining a “propagation delay” as recited in Claims 1, 21, and 31. *Chen* further fails to teach, suggest, or describe “the first time, the second time, and the third time ... stored in a metrics field of the message” as recited in Claim 31. For additional reasons why *Chen* fails to show Claims 1, 21, and 31, Applicant refers the Examiner to the Appeal Brief, which Applicant incorporates herein by reference.

Applicant presumes that reference by the Examiner to the 102 rejection is an oversight and that introduction of *Larson* in the rejection acknowledges that *Chen* does not show each and every element of the rejected claims. Applicant respectfully submits that *Larson* does not provide the teachings missing in *Chen*. The Examiner points to “fig. 5a, 5b, 5c, fig. 6, col. 2/ln. 46-col. 4/ln. 28” of *Larson*. Figs. 5a, 5b, 5c and 6 of *Larson* show a time stamp. Col. 2, line 46 to col. 4, line 28 describe calculation of a “round trip signal transmission delay” from the difference of the time of transmittal of a first signal and a time of receive of a second signal. The time stamp difference from the round trip is halved to determine the one way

distance. (See col. 2, lines 46-65.) It should be noted that the determination of delay in *Larson* is made from **different** signals. The examples given in *Larson* refer to calculating the distance using time stamps from multiple signals (“first signal,” “second signal,” “third signal,”), not the same “first message,” as is recited in Claim 1. These multiple signals are used in *Larson* to determine “round trip signal transmission delay.” Such is very different than Claim 1. Specifically, Claim 1 recites in part:

generating a first time stamp and a second time stamp at the first intermediate node, wherein the first time stamp corresponds to receipt **of the first message** at the first intermediate node and the second time stamp corresponds to transmission **of the first message** from the first intermediate node to the second intermediate node;

generating a third time stamp and a fourth time stamp at the second intermediate node, wherein the third time stamp corresponds to receipt **of the first message** at the second intermediate node and the fourth time stamp corresponds to transmission **of the first message** by the second intermediate node;

calculating a propagation delay between the first intermediate node and the second intermediate node, wherein the propagation delay comprises a difference between the second time stamp and the third time stamp

(emphasis added.)

Neither *Chen* nor *Larson* (alone or in combination) describe “calculating a propagation delay between the first intermediate node and the second intermediate node” in the manner claimed. That is, neither reference describes using time stamps corresponding to the same message (the claimed “first message”) for the calculation.

An obviousness rejection cannot properly be maintained where the references used in the rejection do not disclose all of the recited claim elements. Accordingly, Applicant respectfully requests withdrawal of the rejection of Claims 1, 21, and 31. Claims 2-5, 8-11, 13-15, 19-20, 23-25, 27-29, 32, 35, and 36 depend from one of Claims 1, 21, and 31. Therefore, Appellant respectfully requests withdrawal of the rejection of Claims 1-5, 8-11, 13-15, 19-21, 23-25, 27-29, 31, 32, 35, and 36.

Claims 12, 16, and 26

Claims 12, 16, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Chen* in view of *Larson* (U.S. Patent No. 4,569,042) and further in view of *Chuprun et al.* (U.S. Patent No. 6,115,580). Applicant respectfully traverses the rejection.

As discussed above, the combination of *Chen* and *Larson* fails to teach, suggest, or describe all of the elements of at least independent Claims 1 and 21. *Chuprun et al.* discloses a “system [which] uses ... terrain information and knowledge of network node locations to estimate the quality of node-to-node links in the network (e.g., by estimating path-loss between nodes). The link quality information is then used to determine an optimal connection path between two nodes.” (Col. 2, lines 6-11; underlining added). *Chuprun et al.*, however, fails to teach, suggest, or describe calculating or determining a “propagation delay” using multiple time stamps associated with a “first message” as recited in Claims 1 and 21.

An obviousness rejection cannot properly be maintained where the references used in the rejection do not disclose all of the recited claim elements. As a result, Applicant respectfully requests withdrawal of the rejection of Claims 12, 16, and 26, which depend from one of Claims 1 and 21.

Claims 17-18 and 30

Claims 17-18 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Chen* in view of *Larson* and further in view of *Baratz et al.* (U.S. Patent No. 4,873,517). Applicant respectfully traverses the rejection.

1. ***Baratz et al.* does not show “using a routing algorithm to weight a parameter based on a priority value,” as recited in Claim 17**

Claim 17 recites:

17. The method of claim 1, further comprising using a routing algorithm to weight a parameter based on a priority value, wherein selecting the path for communication between the source node to the destination node is based at least in part on the weighted parameter.

On page 5 of the Office Action, the Examiner states:

As per claim 17, as stated above in claim 1, the modified communication system of Chen and Larson further discloses such routing algorithm (see Chen, col. 2/ln. 33- 50) but not explicitly the claimed limitation. Baratz et al. teaches such method (fig. 4, fig. 5, col. 4/ln. 48- col. 5/ln. 53).

Baratz et al. does not describe “using a routing algorithm to weight a parameter based on a priority value,” as recited in Claim 17. Figs. 4 and 5 of *Baratz et al.* show the use of weights; however, these weights are assigned to a potential route not to a “parameter based on a priority value.” Col. 5, line 64 – Col. 6, line 3 of *Baratz et al.* states:

The optimal routes are computed simply by summing the weights assigned to the nodes and transmission groups on each possible route. For example, the weight assigned to a potential route including network nodes NNA, NNB and NND is assigned a weight equal to the sum of the weights of these three nodes plus the weights assigned to the transmission groups connecting these three nodes.

(emphasis added.)

The Examiner has not provided any evidence that *Baratz et al.* shows “using a routing algorithm to weight a parameter based on a priority value,” as recited in Claim 17, and indeed *Baratz et al.* does not.

2. *Baratz et al.* does not show “using a mapping value to determine a degree to which a measured parameter value meets a predefined parameter value,” as recited in Claim 18

Claim 18 recites:

18. The method of claim 1, further comprising using a mapping value to determine a degree to which a measured parameter value meets a predefined parameter value.

On page 5 of the Office Action, the Examiner states:

Chen and Larson [does not disclose] a mapping value that indicate a degree to which a measured parameter value meets a

predefined parameter value. Baratz et al. teaches such method (fig. 4, fig. 5, col. 4/ln. 48- col. 5/ln. 53).

(emphasis added.)

The Examiner cites to the same sections of *Baratz et al* cited in the rejection of Claim 17. Appellant respectfully disagrees. Fig. 4, Fig. 5, and col. 4, line 48 - col. 5, line 53 of *Baratz et al* fails to show anything whatsoever related to “using a mapping value to determine a degree to which a measured parameter value meets a predefined parameter value” as recited in Claim 18. None of the operations described in the cited section (and shown in Fig. 3) use a “mapping value.”

3. ***Baratz et al.* does not show “mapping means for mapping said plurality of candidate routes to a plurality of quality of service classes,” as recited in Claim 30**

Claim 30 recites:

30. The ad hoc network of claim 21, wherein:

said selecting means is configured to select a plurality of candidate routes;

said network further comprises mapping means for mapping said plurality of candidate routes to a plurality of quality of service classes; and

wherein said selecting means is further configured to select the first path from said plurality of candidate routes based at least in part on a quality of service of the first message.

The Examiner provides the same rationale for rejecting Claim 30 as that given for Claim 18. Applicant respectfully disagrees. *Baratz et al* does not even mention a “quality of service class.” *Chen* and *Larson* do not either. Without mentioning a “quality of service class,” it is impossible to describe “mapping means for mapping said plurality of candidate routes to a plurality of quality of service classes.”

Applicant respectfully submits that the Examiner has not met the burden of proof necessary to sustain an obviousness rejection. Withdrawal of the rejection is respectfully requested.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

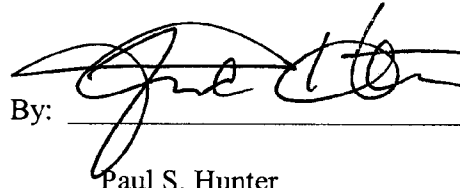
The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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